

MINUTES

CITY COUNCIL MEETING

NOVEMBER 23, 2004

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:31 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR MITCHELL.

PLEDGE OF ALLEGIANCE

MAYOR MITCHELL led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Addleman, Mitchell, Seamans*, Zerunyan, Zuckerman**

*COUNCILWOMAN SEAMANS arrived at 7:33 p.m.

**COUNCILMAN ZUCKERMAN arrived at 7:36 p.m.

City Staff Present: City Manager Doug Prichard

City Attorney Richard Terzian

Assistant City Manager Sam Wise

Planning Director David Wahba

Senior Planner Niki Cutler

Administrative Analyst Greg Grammer

Richard Tagore-Erwin, Refuse Franchise Consultant

Others Present: John Pagliano, Park and Activities Commission

Pat Killen, Planning Commission

CEREMONIAL ITEMS

NONE

ROUTINE MATTERS

A. ADJOURNED CITY COUNCIL AND PLANNING COMMISSION MINUTES OF OCTOBER 25, 2004

COUNCILMAN ZERUNYAN moved, seconded by MAYOR PRO TEM ADDLEMAN

TO APPROVE THE ADJOURNED CITY COUNCIL MINUTES OF OCTOBER 25, 2004 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. CITY COUNCIL MINUTES OF NOVEMBER 9, 2004

COUNCILMAN ZERUNYAN moved, seconded by MAYOR PRO TEM ADDLEMAN

TO APPROVE THE CITY COUNCIL MINUTES OF NOVEMBER 9, 2004 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

C. DEMANDS AND WARRANTS – NOVEMBER

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO Approve Warrants 36506 THROUGH 36568 FOR A GRAND TOTAL AMOUNT OF \$215,513.70 with proper audit.

AYES: Addleman, Mitchell, Seamans, Zerunyan

ABSENT: Zuckerman

CONSENT CALENDAR

COUNCILWOMAN SEAMANS moved, seconded by MAYOR PRO TEM ADDLEMAN

TO APPROVE ITEMS A-D.

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

B. OCTOBER 2004 SCHEDULE OF INVESTMENTS

RECEIVED AND FILED.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED NOVEMBER 5, 2004

RECEIVED AND FILED.

D. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED NOVEMBER 12, 2004

RECEIVED AND FILED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

Prior to hearing any audience items, MAYOR MITCHELL read the following statement:

"There have been some concerns raised by our residents about the potential of Chandler's Landfill accepting a large amount of construction and demolition material from a site in Huntington Park. Given these concerns, Chandler's has advised the City that they will not be accepting this material, even though we have been told that tests conducted by the State Air Resources Board and Southern California Air Quality Management District have found no detectable levels of any hazardous material. Chandler's has made this decision based upon its desire to be a good corporate citizen and community neighbor. Chandler's has put the community's interest ahead of their bottom line and we thank them for that sensitivity. "

A. Bill Pomerantz, 55 Encanto, RHE Neighborhood Coalition, read a letter into the record commending John Robertson and Chandler's Landfill and the City for their decision not to accept the demolition debris from the Northridge earthquake that was recently offered for the landfill.

COUNCILWOMAN SEAMANS noted that this decision was made despite the potential of receiving significant funds to Chandler's as well as the City.

MAYOR MITCHELL thanked Chandler's again for their cooperation.

NEW BUSINESS

A. PLANNING COMMISSION MINUTES OF NOVEMBER 15, 2004

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO RECEIVE AND FILE THE PLANNING COMMISSION MINUTES OF NOVEMBER 15, 2004.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. PARK AND ACTIVITIES COMMISSION MINUTES OF NOVEMBER 16, 2004

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZUCKERMAN

TO RECEIVE AND FILE THE PARK AND ACTIVITIES COMMISSION MINUTES OF NOVEMBER 16, 2004.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

OLD BUSINESS

NONE

CITY ATTORNEY ITEMS

NONE

CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendized.

A. MAYOR MITCHELL

(1) EQUESTRIAN COMMITTEE MINUTES OF NOVEMBER 15, 2004

COUNCILWOMAN SEAMANS noted her concern regarding the Pony Club using unlicensed trainers for riding lessons in the City's riding rings.

THERE BEING NO OBJECTION, THE EQUESTRIAN COMMITTEE MINUTES OF NOVEMBER 15, 2004 WERE RECEIVED AND FILED.

B. City Manager Prichard noted that a meeting needs to be scheduled with California Water to discuss their projects along Palos Verdes Drive North as it will have a substantial impact on the City.

C. COUNCILMAN ZERUNYAN reported he attended the California Contract Cities Association's Legislative Committee meeting as he now serves as the Vice Chair. He noted that discussion included saving the Los Angeles Air Force Base from closure with various elected officials, including Supervisor Knabe, supporting this effort.

D. COUNCILWOMAN SEAMANS reported that she, along with MAYOR MITCHELL, attended a Mixed-Use Committee meeting regarding the former Arco site. She noted that several Rancho Palos Verdes' residents attended and believed their concerns were addressed. She stated that they are moving forward in developing design guidelines for the master plan for incorporation into a City ordinance.

COUNCILWOMAN SEAMANS reported that she attended the SBCCOG Livable Communities Committee.

She noted that this meeting is basically staff-driven and was pleased to note that Senior Planner Niki Cutler will be attending on behalf of the City. Additionally, she commented that Bill Fulton, well-known for his expertise in livable communities and urban planning, was retained to review mixed use areas throughout the South Bay.

E. MAYOR MITCHELL noted that she attended a League of California Cities Leadership Workshop. She noted the following three issues to be discussed over the next year: 1) Housing; 2) Transportation; and 3) Protection of redevelopment agencies.

MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendaized for future consideration and/or make announcements of interest to the public.

A. CONFIRM COMMISSIONER/COMMITTEE MEMBERS INTERVIEWS

After brief clarification, staff was directed to move forward on interviews for two Planning Commissioners and assign Committee Members to four-year terms as was previously discussed at a Policy Development Session.

PUBLIC HEARINGS/MEETINGS

A. CONTINUED PUBLIC HEARING - PLANNING APPLICATION NO. 30-04; APPLICANT: CITY OF ROLLING HILLS ESTATES; LOCATION: CITY-WIDE

Recommendation: That the City Council: 1) Continue to take public testimony; 2) Discuss the issues; 3) Close the public hearing; and 4) Introduce Ordinance No. 628 for first reading, revising Chapter 16.08 of the City of Rolling Hills Estates Municipal Code.

Senior Planner Cutler provided a staff report (as per agenda material).

MAYOR MITCHELL asked for any further public testimony.

No public input was offered.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

1. ORDINANCE NO. 628 FOR INTRODUCTION AND FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTER 16.08 (PARKS AND RECREATIONAL FACILITIES) OF THE ROLLING HILLS ESTATES MUNICIPAL CODE WITH RESPECT TO IMPLEMENTATION OF THE QUIMBY ACT.

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILMAN ZERUNYAN

TO INTRODUCE ORDINANCE NO. 628 FOR FIRST READING.

City Manager Prichard read Ordinance No. 628 by title only.

THERE BEING NO OBJECTION, MAYOR MITCHELL SO ORDERED.

B. PUBLIC MEETING – FINDINGS AND RECOMMENDATIONS OF THE REFUSE FRANCHISE COMMITTEE

Recommendation: That the City Council authorize staff to negotiate with the top two ranked vendors (Waste Management and BFI) and report the results of the negotiation at the City Council meeting on

December 14, 2004.

Administrative Analyst Grammer provided a staff report (as per agenda material).

Richard Tagore-Erwin, Consultant, provided an extensive presentation of the Refuse Subcommittee's recommendations. He noted that a final recommendation will be presented at the next COUNCIL meeting after negotiations with the two top ranked vendors has taken place that will incorporate all of the City's concerns.

COUNCILWOMAN SEAMANS inquired to why the third company, Universal, was not included in the negotiations.

Mr. Erwin noted that typically only the top two ranked companies are considered for final negotiations, but a third may be included if COUNCIL so desires.

MAYOR MITCHELL inquired if damaged trash receptacles will be replaced as needed. Mr. Erwin stated that they would be replaced at no charge to the resident whether they are damaged or stolen.

After brief discussion, it was noted the Refuse Subcommittee will recommend the colors of the trash cans which will be uniform throughout the City.

MAYOR MITCHELL inquired if other communities have met any resistance from businesses when implementing an exclusive franchise. Mr. Erwin noted that they have not as the cost generally decreases through economies of scale.

Mark Blackburn, President, Universal Waste Disposal, indicated that his company is third in line. He appealed to the COUNCIL to consider Universal as he has agreed to all the consultant's suggestions. He noted that even though they are a smaller company, they could do the job. He then noted his appreciation to the COUNCIL for the opportunity to speak.

Dr. Agustin Diaz, 47 Country Meadows Road, commented that although cost is important, it should not be the overriding factor in considering these proposals. He commended the COUNCIL and Administrative Analyst Grammer for their thoroughness in providing all the facts. In regards to the cost, he noted that the difference is minimal as the residents deserve the best franchise the City can negotiate in terms of quality. His preference would be twice-a-week due to the large amount of greenwaste.

Tom Judge, 28 Rollingwood, indicated he had attended the workshops and was initially skeptical as to how this matter would be handled. He commended MAYOR PRO TEM ADDLEMAN and COUNCILMAN ZERUNYAN, along with the staff, on a fine job as every question he had was answered, particularly with regards to seniors and handicapped residents. It was his opinion that once-a-week would be sufficient and believed this to be a great program as long as the residents adhere to the policy.

Marsha Washko, 7 Ferncreek, concurred with Mr. Judge's comments as she attended the workshops as well. She noted her concern with Saturday pick-up because residents will put out their receptacles out on Friday night and be out all weekend taking away from the appearance of the neighborhood. She then stated that the information provided at the workshops was very helpful and that the residents will have to make only a small lifestyle change to once-a-week pick-up.

Jim Greene, 4 Stagecoach Road, indicated he also attended the workshops and wished to commend the City and everyone involved in keeping this an open process. He noted that there has been ample opportunity given to the public to provide meaningful input at these workshops. He noted his desire to have twice-a-week pick-up, but with street maintenance concerns, he would accept once a week.

In response to Ms. Washko's remarks, Mr. Greene stated that, as a previous homeowner's association president, he noted that it is difficult to enforce how long a resident leaves their cans on the street. He recommended that once this program is established, it might be a good idea to educate the community regarding the importance of removing their receptacles within 24 hours of a pick up.

Doug Falkenberg, Waste Management, thanked the Refuse Subcommittee and staff in allowing them the

opportunity to provide creative ideas and look forward to meeting the needs of the City. He informed the COUNCIL that they handle the City of Rancho Palos Verdes as well and have many resources to share with the City. He noted that they pride themselves on public outreach and workshops, i.e. homeowner's association meetings.

Greg Loughnane, District Manager, BFI, applauded the Refuse Subcommittee as well as changing service is a difficult process. He noted that the workshop process was excellent as it brought many residents to the forefront to discuss their issues. He noted that they know the participation rate and that the recycling and greenwaste collection will be a better system. He stated that BFI is looking forward to providing continued excellent service to the City. Additionally, he stated that responsiveness to an RFQ is not a substitute for proven performance. He noted that they have not had a rate increase in over 10 years, but have continued to provide quality service to the community.

MAYOR MITCHELL noted her appreciation to the Refuse Subcommittee which consisted of MAYOR PRO TEM ADDLEMAN and COUNCILMAN ZERUNYAN, as well as staff and the consultant on an excellent job.

COUNCILWOMAN SEAMANS inquired as to how the questions were posed and if she will see the numbers in the next step.

Mr. Tagore-Erwin stated the COUNCIL has what the companies submitted and that the criteria was evenly weighted. He noted that when the proposal comes back at the next meeting, it will include specific costs. MAYOR PRO TEM ADDLEMAN stated that a final decision must be made at that time as time is of the essence.

COUNCILMAN ZUCKERMAN inquired if trash trucks will specifically be purchase for the City or shared with other cities as he has a concern regarding the number of trips.

Mr. Tagore-Erwin noted that weight and the total number of trips were both of concern and that those issues would be analyzed further with respect to safety and road degradation.

Mr. Tagore-Erwin continued noting that all residents will be provided with the standard container, but there may be an occasion where a resident may utilize their own due to excessive trash.

COUNCILMAN ZUCKERMAN inquired if a 36,000 pound truck is required for this program. Mr. Erwin noted that a weight limitation can be placed on a truck.

City Manager Prichard noted that the Refuse Subcommittee will negotiate the items based upon feedback from the COUNCIL and bring back a contract with a scope of service that they believe best suits the needs of the community. He noted that some flexibility remains with respect to further discussion that will take place in order to reach a definitive conclusion for presentation to the COUNCIL.

COUNCILMAN ZUCKERMAN inquired if the Refuse Subcommittee had considered weight restrictions for trucks as well as manure charges as he believed these issues are very important.

City Manager Prichard noted that the parameters of the program will be analyzed by the subcommittee, further refined through negotiations and finalized by the COUNCIL when the franchise is awarded.

Mr. Tagore-Erwin noted that the various options will be presented along with a recommendation for the contractor with the consensus being included in the presentation.

COUNCILMAN ZUCKERMAN expressed his dismay at not being as well informed on this issue as he would have liked during the process.

Mr. Tagore-Erwin noted that they are attempting to accomplish the following objectives: 1) Reduce street degradation by reducing the size of the trucks and/or total number of trips; 2) Increase total participation for recycling paper, plastics, cans, etc. and greenwaste; and 3) Make collection easy for the residents.

COUNCILWOMAN SEAMANS inquired as to what residents' comments were at the workshops.

COUNCILMAN ZERUNYAN addressed the implication that the COUNCIL was not continually informed on this process. He noted that four meetings took place where all concerns were expressed at the COUNCIL meeting. He emphasized that the process is not complete as yet. He noted that the residents have been well served by the staff and consultant. He noted that they are embarking on the next phase of a well-thought out process with MAYOR PRO TEM ADDLEMAN and himself attending all meetings in order to bring back accurate information to the COUNCIL.

COUNCILMAN ZERUNYAN indicated that the two top ranked companies are recommended to participate in final negotiations. He then assured the COUNCIL that every detail, including additional options, will be provided for review.

COUNCILWOMAN SEAMANS inquired into the commercial hauling. Mr. Tagore-Erwin noted that this information will be provided to the COUNCIL as well.

COUNCILWOMAN SEAMANS once again suggested including Universal in the negotiation process.

MAYOR PRO TEM ADDLEMAN responded that cost is only one factor and referred her to the vendor's score listed in the staff report.

COUNCILMAN ZERUNYAN noted that, as they went through the process, they did not to focus on one factor, but rather the entire package.

City Manager Prichard inquired if three contractors could be effectively considered at this point in the process. Mr. Tagore-Erwin indicated that they could be accommodated, but would make it more difficult to provide a clear direction.

COUNCILMAN ZUCKERMAN noted his opposition to considering a third contractor.

MAYOR MITCHELL strongly emphasized that the Refuse Subcommittee needs to be respected for the difficult task they have undertaken.

MAYOR MITCHELL moved, seconded by COUNCILMAN ZUCKERMAN

TO AUTHORIZE THE COMMITTEE TO NEGOTIATE WITH THE TOP TWO RANKED VENDORS (WASTE MANAGEMENT AND BFI) AND REPORT THE RESULTS OF THE NEGOTIATION AT THE CITY COUNCIL MEETING ON DECEMBER 14, 2004.

AYES: Addleman, Mitchell, Zerunyan, Zuckerman

NOES: Seamans

At 10:03 p.m., the CITY COUNCIL convened into closed session.

At 10:45 p.m. the COUNCIL reconvened with MAYOR MITCHELL, MAYOR PRO TEM ADDLEMAN, COUNCILWOMAN SEAMANS, COUNCILMAN ZERUNYAN and COUNCILMAN ZUCKERMAN present.

CLOSED SESSION

A. DISCUSSION WITH RESPECT TO PERSONNEL MATTERS

(Pursuant to Government Code Section 54957)

1. ANNUAL CITY MANAGER PERFORMANCE EVALUATION

COUNCILMAN ZERUNYAN moved, seconded by COUNCILMAN ZUCKERMAN

TO AWARD THE CITY MANAGER A BONUS IN THE AMOUNT OF \$1,475 BASED UPON HIS OVERALL PERFORMANCE EVALUATION.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

ADJOURNMENT

At 10:45 p.m., MAYOR MITCHELL formally adjourned the City Council meeting to Tuesday, December 14, 2004 at 7:30 p.m.

Submitted by, Approved by,

Hope J. Nolan Douglas R. Prichard

Deputy City Clerk City Clerk